

## ORDINANCE 1682

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE NORTHEAST ANKENY URBAN RENEWAL AREA, IN THE CITY OF ANKENY, COUNTY OF POLK, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF ANKENY, COUNTY OF POLK, ANKENY COMMUNITY SCHOOL DISTRICT, DES MOINES AREA COMMUNITY COLLEGE, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE NORTHEAST ANKENY URBAN RENEWAL REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Ankeny, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 2010-287 passed and approved on the 18<sup>th</sup> day of October, 2010, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Northeast Ankeny Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

The Northeast Ankeny Urban Renewal Area consists of the land area described as follows:

Commencing at the southwest corner of section 12, township 80 north, range 24 west of the 5th P.M.; thence east along the center line of NE 18th Street right-of-way a distance of 736.32 feet; thence northerly along the east line of Northpointe Village Center Plat 1 a distance of 227.23 feet; thence north easterly along said plat line a distance of 417.10 feet; thence northerly along said plat line 386.94 feet; thence north westerly along said plat line a distance of 249.85 feet; thence northerly along said plat line to the most north eastern point of Northpointe Village Center Plat 1 a distance of 93.9 feet; thence north along the east line of Northpointe Professional Park Plat 1 and Northpointe Village Center Plat 2 a distance of 524.18 feet; thence north westerly along said plat line a distance of 700.27 feet; thence northerly along said plat line to the most north eastern point of Northpointe Professional Park Plat 1 a distance of 303.56 feet; thence continuing northerly along the east lot line of Lot 3, Briarwood Plat 17 to the southern right-of-way line of NE 28<sup>th</sup> Street; thence continuing northeasterly to the north right-of-way line of said street and the southeast corner of Lot 1, Briarwood Plat 21, a distance of 60 feet; thence northerly following the east line of said Plat 21 a distance of 160.43 feet; thence northerly 31.60 feet; continuing northwesterly along said plat line 163.63 feet; thence northerly 100 feet; continuing northeasterly along said plat line 101.31 feet; thence northerly a distance of 232.83 feet; thence continuing north 367.27 ft., 144.78 ft., 32.8 ft., 239.5 ft., 62.04 ft., and 138.35 ft. to the south line of Outlot X, Briarwood Plat 14; thence west 64.01 feet to the southwest corner of Briarwood Plat 14; thence north to the southern right of way line of NE 36th Street a distance of

451 feet; thence east along said right-of-way line to the western right-of-way line of NE Delaware Avenue a distance of 4835.22 feet; thence along the 50 foot radial curve of said right-of-way 78.49 feet southeasterly; thence 200 feet south; thence 50 feet east to the centerline of NE Delaware Avenue; thence northeasterly along the intersection right-of-way line 327.86 feet to the southern right-of-way line of NE 36<sup>th</sup> Street; thence easterly along said right-of-way to the eastern right-of-way line of NE Milan Avenue approximately 1000 feet; thence following the 25 foot radial curve of said right-of-way 41.33 feet southwesterly; thence 116.73 feet south along the western property line of Lot 1 Briar Creek Plat 1; thence following the 25 foot radial curve of the northern right-of-way line of NE 31<sup>st</sup> Street southeasterly; thence following the said right-of-way southeasterly 354.48 feet; thence following the southern property line of Lot 1 Briar Creek Plat 1 northeasterly 275.23 feet to the western property line of Lot 1 Albaugh Golf and Commercial; thence following said western property line to the southwestern most point 4643.77 feet; thence following said property line easterly 389.45 feet; thence northeasterly 235 feet; thence southeasterly 166.97 feet; thence southwesterly 80 feet; thence easterly 315 feet to the eastern right of way line of I-35; thence continuing easterly 2300 feet; thence southerly 1321.4 to the south line of section 7, township 80 north, range 23 west; thence easterly along said section line 1150 feet to the southeast corner of said section; thence north along the eastern line of said section to the southeast corner of section 6, township 80 north, range 23 west; thence continuing north along the eastern line of said section to the northeast corner of the southeast ¼ of said section 6; thence westerly to the northwest corner of the southeast ¼ of said section 6; thence continuing westerly 278 feet to the western I-35 right-of-way line; thence southerly 1825 feet to the northeast corner of Outlot Z, Otter Creek Redevelopment Plat 1; thence westerly 751 feet along the northern property line to the northwest corner of said Outlot; thence north westerly 195 feet to a northeast corner of Outlot Y, Otter Creek Redevelopment Plat 1; thence northwesterly 142.22 feet; thence southwesterly 115.34 feet; thence southerly 253.67 feet; thence southwesterly 192 feet; thence northwesterly 67.33 feet to the northwestern most corner of NE Otter Creek Drive right-of-way; thence southerly 838.62 feet following the western right-of-way line of said drive to the northern right-of-way line of NE 36<sup>th</sup> Street; thence westerly along said NE 36<sup>th</sup> Street right-of-way line 1317.28 feet; thence northwesterly 144 feet to eastern NE Delaware Avenue right-of-way line; thence west 94 feet to the western right-of-way line of NE Delaware Avenue; thence southwesterly 145 feet along said right-of-way line to the northern right-of-way line of NE 36<sup>th</sup> Street; thence westerly along said right-of-way 2150 feet to the southwest corner of Lot 1, AFUMC Christian Life Center; thence south 5 feet; thence west 217.99 feet; thence northwesterly 126.19 feet; thence west 128.01 feet; thence north 11 feet; thence west 202.58 feet; thence south 115 feet; thence west along the north NE 36<sup>th</sup> Street right-of-way line 680 feet to the southeast corner of Outlot B, The Woodland Reserve Plat 1; thence north along eastern property line of said, Lot B 185.5 feet; thence west 655.03 feet to the northwest corner of Outlot C, The Woodland Reserve Plat 1; thence north along the west line of The Woodland Reserve Plat 1 a distance of 1026.36 feet; thence westerly along the south right-of-way line of NE 41<sup>st</sup> Street to the east right-of-way line of U.S. Highway 69 a distance of 1058.18 feet; thence westerly to the northeast corner of Lot 1, Johnson Estates Plat 1, 120 feet; thence west 340.57 feet; thence southerly a distance of 478.36 feet; thence westerly a distance of 400.00 feet; thence southerly a distance of 400.00 feet; thence westerly a distance of 700.00 feet; thence southerly to the center right-of-way line of NW 36th Street a distance of 400.00 feet; thence easterly to the western right-of-way line of U.S. Highway 69 a distance of 1,448.77 feet; thence southerly along the said right-of-way line of U.S. Highway 69 a distance of 4,061.66 feet; thence westerly along

the north line of Georgetown Plat 2 a distance of 744.6 feet to the north west most corner of said plat; thence south westerly along the west line of Georgetown Plat 2 a distance of 274.17 feet; thence south westerly along the west line of said plat to the north easterly most corner of Lot 1 Georgetown Plat 3 a distance of 222.17 feet; thence southerly along the east line of Georgetown Plat 3 to the south eastern most corner of Lot 4 of Georgetown Plat 3 a distance of 255.05 feet; thence southerly along the eastern line of said plat to the south eastern most corner of Lot 7 Georgetown Plat 3 a distance of 189.8 feet; thence southerly along the east line of said plat to the south eastern most corner of Lot 10 Georgetown Plat 3 a distance of 189.76 feet; thence southerly along the east line of said plat to the center right-of-way line of NW 18th Street a distance of 138.54 feet; thence easterly along the center right-of-way line to the point of beginning a distance of 1072.07. The area includes all streets and their right-of-way within the Urban Renewal Area and all streets and their right-of-way forming the boundary of the Area.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Ankeny, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Ankeny, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Ankeny, County of Polk, Ankeny Community School District, Des Moines Area Community College, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Ankeny, State of Iowa, certifies to the Auditor of Polk County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when

collected be paid into a special tax increment fund of the City of Ankeny, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Ankeny, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant to the Urban Renewal Plan, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Ankeny, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Project Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 1<sup>st</sup> day of November, 2010.

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Mayor

ATTEST:

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City Clerk

**PUBLISHED IN THE  
DES MOINES REGISTER  
ON THE 5TH DAY OF NOVEMBER, 2010**

**1<sup>st</sup> Con 10/18/10  
2<sup>nd</sup> Con 11/01/10  
3<sup>rd</sup> Con 11/01/10**

PASSED AND APPROVED: 18<sup>th</sup> day of October, 2010.

I, Pamela DeMouth, City Clerk of the City of Ankeny, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 1682 passed and approved by the City Council of the City at a meeting held **November 1**, 2010, signed by the Mayor on **November 1**, 2010, and published in The Des Moines Register on **November 5**, 2010.

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City Clerk, City of Ankeny, State of Iowa

(SEAL)

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